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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,795	01/03/2002	Hiroyasu Kuramatsu	8008-1001	8535

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EXAMINER

PEREZ, ANGELICA

ART UNIT	PAPER NUMBER
2684	

DATE MAILED: 12/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,795

Applicant(s)

KURAMATSU, HIROYASU

Examiner

Angelica M. Perez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8 and 12-13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida (Ishida, Takayashu; US Patent No.: 6,195,570 B1) in view of Tomonori (Tomonori, Makita; JP Pub. No.: 10-233833).

Regarding claim 1, Ishida teaches of a portable telephone terminal comprising (figure 4, column 1, lines 8-10): a main portable unit (figure 4); and an earphone/microphone separate from the main portable unit (figure 5, item 10; column 5, lines 24-30); where the main portable unit and the earphone/microphone are constructed so that they can be electrically interconnected with one another (figure 5, item 10; column 5, lines 24-30; where the earphone jack 10 interconnects with the jack inserting part 9 of the telephone), where the main portable unit is constructed so as to audibly output information when the earphone/microphone and main portable unit are electrically interconnected (columns 1 and 2, lines 64-67 and 1-3, 36-41; where the apparatus recognizes when the jack is connected/disconnected in order to operate voice or screen operations; e.g., when the earphone/microphone and main portable unit are electrically interconnected, the phone mode operates corresponding to an incoming and outgoing of audible information).

Although Ishida teaches of the mobile unit of audible outputting information, Ishida does not specifically teach where the main portable unit is constructed so as to audibly output information identifying the caller.

In related art concerning a portable telephone set, Tomonori teaches where the main portable unit is constructed so as to audibly output information identifying the caller (abstract; e.g., "informs the caller name in voice at the arrival of an incoming call").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Ishida's earphone/microphone separate from the main portable unit with Tomonori's audibly outputting information identifying a caller in order to provide the called party with information that identifies the caller while the user is driving; therefore, keeping one's hands on the steering wheel, as taught by Tomonori.

Regarding claim 2, Ishida in view of Tomonori teaches all the limitations according to claim 1. Ishida further teaches a connection monitoring circuit which monitors whether the earphone/microphone is connected to the portable telephone terminal (figures 9a and 9b; column 2, lines 36-41; where judging the earphone jack position corresponds to monitoring "whether the earphone/microphone is connected to the portable telephone terminal"); an information output switching circuit which switches an information output to the earphone/microphone when the claim comprising: connection monitoring circuit determines that the earphone/microphone is connected to the portable telephone terminal (column 1, lines 44-47; where the connection monitoring circuitry knows "if an earphone jack is inserted into the mobile terminal"); and an

informing circuit which outputs information, in voice form from the earphone/microphone when the information output switching circuit switches the information output to the earphone/microphone (column 5, lines 25-30; where the circuitry provides the user with information in voice form when the earphone jack is connected to the mobile terminal). Tomonori further teaches of outputting information that identifies the caller, in voice form).

Regarding claim 3, Ishida in view of Tomonori teaches all the limitations according to claim 2. Ishida further teaches where the main portable unit comprises: display which displays characters and visual information (figure 4, item 8 LCD); and a receiver which outputs voice information (figure 1, item 2; column 4, lines 58-61; where the receiver outputs audible information when the earphone jack is connected to the unit's body).

Regarding claim 4, Ishida in view of Tomonori teaches all the limitations according to claim 3. Ishida further teaches where the information output switching circuit switches the information output to the display and the receiver of the main portable unit when the connection monitoring circuit determines that the earphone/microphone is not electrically connected (column 3, lines 45-49; where the menu screen appears when it is detected that the earphone jack has been extracted).

Regarding claim 5, Ishida in view of Tomonori teaches all the limitations according to claim 2. Tomonori further teaches of a data receiving circuit which receives upon receipt of a call caller data which is data unique to the caller transmitted from a terminal of the caller; and a registering circuit which registers the caller data and caller

information which is information specifying the caller and which corresponds to the caller data (figure 1, items 3, 4 and 9; abstract; where the data is received and "stored" for further processing, "registered").

Regarding claim 6, Ishida in view of Tomonori teaches all the limitations according to claim 5. Tomonori further teaches where the caller data is data which represents a telephone number the caller (abstract; where the caller telephone number is received and compared to a number previously stored).

Regarding claim 7, Ishida in view of Tomonori teaches all the limitations according to claim 5. Tomonori further teaches where the caller information is information which represents the name of the caller (abstract; where the information provided to the called person is the name of the calling person).

Regarding claim 8, Ishida in view of Tomonori teaches all the limitations according to claim 5. Tomonori further teaches where when the data received by the data receiving circuit matches with the caller data registered through the registering circuit, the informing circuit outputs the caller information that corresponds to the caller data (abstract; where the caller name information is cross referenced with the data stored in memory and the informing circuit outputs the caller name in voice).

Regarding claim 12, Ishida in view of Tomonori teaches all the limitations according to claim 2. Ishida further teaches of an operation switching circuit which switches an operation based on an instruction which is inputted by operating the earphone/microphone when the connection monitoring circuit determines that the earphone/microphone is connected and when the information output switching circuit

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switches the information output to the earphone/microphone (column s 1 and 2, lines 64-67 and 1-3).

Regarding claim 13, Ishida in view of Tomonori teaches all the limitations according to claim 12. Ishida further teaches where the operation operates the earphone/microphone upon receipt of the call and outputs voice information from the informing circuit through the earphone/microphone (column 5, lines 25-30).

3. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Tomonori as applied to claim 12 above, and further in view of Shnier (Shnier, Mitchell J.; US Pub. No.: 2002/0,009,184 A1).

Regarding claim 10, Ishida in view of Tomonori teaches all the limitations according to claim 5.

Ishida in view of Tomonori does not specifically teach where the portable telephone terminal comprises message registering circuit which registers a predetermined message.

In related art concerning a call classification indication using sonic means, Shnier teaches where the portable telephone terminal comprises message registering circuit which registers a predetermined message (figure 1, item 112; where the answering machine comprises message registering circuit which registers a predetermined message).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Ishida's and Tomonori's earphone/microphone

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separated from the main portable unit that audibly outputs information identifying a caller with Shnier's message registering circuit in order to provide an alternative for answering calls that are unknown, as taught by Shnie.

Regarding claim 11, Ishida in view of Tomonori and further in view of Shnier teaches all the limitations according to claim 10. Shnier further teaches where when the caller data is not according received upon receipt of the call, the predetermined message is outputted (paragraph 0065).

4. Claims 9, 14-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Tomonori as applied to claim 12 above, and further in view of Luneau (Luneau, David J.; US Patent No.:5,526,406 A).

Regarding claim 9, Ishida in view of Tomonori teaches all the limitations according to claim 5.

Ishida in view of Tomonori does not specifically teach where when the caller data received by the data receiving circuit fails to match with the caller data registered through the registering circuit, the informing circuit outputs the caller data received by the data receiving circuit.

In related art concerning a calling party announcement apparatus, Luneau teaches where when the caller data received by the data receiving circuit fails to match with the caller data registered through the registering circuit, the informing circuit outputs the caller data received by the data receiving circuit (column 4, lines 47-51;

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where when a call has no matching information to announce, it proceeds with a normal operation).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Ishida's and Tomonori's earphone/microphone separated from the main portable unit that audibly outputs information identifying a caller with Luneau's normal operation procedure in order to maintain standard operations, as taught by Luneau.

Regarding claim 14, Ishida in view of Tomonori teaches all the limitations according to claim 12. Ishida further teaches of the operation switching circuit operating the earphone/microphone (column 5, lines 25-30; where the circuitry provides the user with information in voice form when the earphone jack is connected to the mobile terminal).

Ishida in view of Tomonori does not specifically teach of shifting the operation of taking the call when an operation of outputting the information identifying the caller is initiated by the informing circuit.

In related art concerning a calling party announcement apparatus, Luneau teaches of not taking the call when an operation of outputting the information identifying the caller is initiated by the informing circuit (column 2, lines 42-44; column 3, lines 5-7, 40-47 and 52-55).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Ishida's and Tomonori's earphone/microphone separated from the main portable unit that audibly outputs information identifying a

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caller with Luneau's not taking the call when an operation of outputting the information identifying the caller is initiated by the informing circuit in order to audibly screening telephone calls prior to answering them, as taught by Luneau.

Regarding claim 15, Ishida in view of Tomonori and further in view of Luneau teaches all the limitations according to claim 14. Luneau further teaches where the operation operates said earphone/microphone suppresses transition to the operation of outputting said information identifying the caller by the informing circuit, and shifts the operation of taking the call (column 4, lines 47-51; where "once the call is accepted, the caller and called parties are connected and normal telephone operation is restored).

Regarding claim 17, Ishida in view of Tomonori and further in view of Luneau teaches all the limitations according to claim 12. Luneau further teaches where the operation switching circuit recognizes voice information which is inputted through the earphone/microphone and switches an operation in accordance with a predetermined instruction which recognized voice information inputted based on the recognized voice information (column 4, lines 47-51; where when the call is answered, the caller and called parties are connected and normal telephone operation takes place).

5. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ishida in view of Tomonori as applied to claim 12 above, and further in view of Fumiaki (Fumiaki, You; JP Publication No.: 200-124983)

Regarding claim 16, Ishida in view of Tomonori teaches all the limitations according to claim 12.

Ishida in view of Tomonori does not teach where the operation switching circuit switching circuit upon receipt of the call and switches an operation accordance with a predetermined instruction which is inputted based on how long one or more than one of the switches of said earphone/microphone remain depressed.

In related art concerning a portable terminal equipped with earphone microphone and switch, Fumiaki teaches where the operation switching circuit switching circuit upon receipt of the call and switches an operation accordance with a predetermined instruction which is inputted based on how long one or more than one of the switches of said earphone/microphone remain depressed (abstract; e.g., "having a call started by pressing the switch for a short time or the like...").

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Ishida's and Tomonori's earphone/microphone separated from the main portable unit that audibly outputs information identifying a caller with Fumiaki's timed depression of the switch in order to take a call without taking out the portable telephone set, as taught by Fumiaki.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angelica Perez whose telephone number is 703-305-8724. The examiner can normally be reached on 7:15 a.m. - 3:55 p.m., Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 703-308-7745. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and for After Final communications.

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Information regarding Patent Application Information Retrieval (PAIR) system can be found at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600's customer service number is 703-306-0377.


Angelica Perez
(Examiner)


NAY MAUNG
SUPERVISORY PATENT EXAMINER

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November 30, 2004